

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHIBUEZE C. ANAEME,

Plaintiff,

vs.

UNITED STATE OF AMERICA,
et al.,

Defendants.

No. CV-12-192-LRS

ORDER OF DISMISSAL

Proceeding *in forma pauperis*, the pro se Plaintiff has filed a 104 page Complaint against approximately 350 named Defendants, including the United States, various states, counties and cities, and over 300 individuals. Plaintiff ostensibly asserts claims pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. §§1346, 2671-2680.

It is apparent that the Eastern District of Washington is not a proper venue for this action. Actions under the FTCA may be prosecuted either in the judicial district where the Plaintiff resides or where the act or omission occurred. 28 U.S.C. §1402(b). The Plaintiff does not reside in the Eastern District of Washington, nor as discussed below, did any of the alleged acts or omissions

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1 giving rise to his claims occur in this district.¹

2 Pursuant to 28 U.S.C. § 1391(b)(1), a civil action may be brought in “a
3 judicial district in which any defendant resides, if all defendants are residents of
4 the State in which the district is located.” Even assuming that some of the
5 named corporate Defendants (i.e., Shurgard entities) qualify as “residents” of the
6 Eastern District of Washington because they are subject to personal jurisdiction
7 in this district, 28 U.S.C. §1391(c)(2) and (d), it is clear that not **ALL** of the
8 named Defendants (natural persons, governmental entities and business entities)
9 are residents of the Eastern District of Washington. Indeed, most are residents
10 of either Georgia or California.

11 Furthermore, it is apparent that the Eastern District of Washington is not
12 “a judicial district in which a substantial part of the events or omissions giving
13 rise to the claim occurred, or a substantial part of property that is subject of the
14 action is situated.” 28 U.S.C. §1391(b)(2). Although Plaintiff alleges “the
15 actions, omissions and transactions alleged to be unlawful were done,” in part, in
16 the Eastern District of Washington (ECF No. 7 at p. 68), it is clear from the
17 “Statement of Facts” section of Plaintiff’s Complaint (ECF No. 7 at pp. 86-91),
18 that “the actions, omissions and transactions alleged to be unlawful” occurred in
19 Georgia and/or California. Plaintiff identifies the Northern District of Georgia,
20 the Middle District of Georgia, and the Southern District of California as judicial
21 districts in which “actions, omissions and transactions alleged to be unlawful”

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24 Plaintiff contends the United States “is liable for its acts and the acts of its
25 individual agents and/or co-defendants.” (ECF No. 7 at p. 69). It appears,
26 however, that none of the named individual Defendants are federal employees.
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1 occurred.

2 Finally, the fallback venue provision, 28 U.S.C. §1391(b)(3), does not
3 apply because it is apparent there are other judicial districts in which Plaintiffs'
4 action may be brought (districts in Georgia and/or California).

5 Pursuant to 28 U.S.C. §1406(a), the court *sua sponte* **DISMISSES** the
6 captioned action, without prejudice, because venue is not proper in the Eastern
7 District of Washington. A *sua sponte* dismissal is appropriate since Plaintiff has
8 frivolously alleged that the Eastern District of Washington is a proper venue.
9 *Stich v. Rehnquist*, 982 F.2d 88, 89 (2nd Cir. 1992) (action brought by vexatious
10 litigant in district with no “discernable” connection to action); *Trujillo v.*
11 *Williams*, 465 F.3d 1210, 1217 (10th Cir. 2006)(*sua sponte* dismissal appropriate
12 where “the defense is obvious from the face of the complaint and no further
13 factual record is required to be developed”). For the same reason, it is not in the
14 “interest of justice” to transfer this action to any district in which it could have
15 been brought. It is not in the “interest of justice” to transfer an action that was
16 obviously or deliberately filed in the wrong court. *Stanifer v. Brannan*, 564 F.3d
17 455 (6th Cir. 2009); *Nichols v. G.D. Searle & Co.*, 991 F.2d 1995, 1201 (4th Cir.
18 1993); and *Dubin v. United States*, 380 F.2d 813, 816, fn. 5 (5th Cir. 1967).

19 Plaintiff is a frequent litigator in various federal district courts throughout
20 the nation, as discussed in a recent decision by the District of Nevada, *Anaeme v.*
21 *National Association Boards Of Pharmacy*, 2012 WL 3886086 (D. Nev. 2012)
22 at *3-4. The District of Nevada found venue was not proper for the action filed
23 there by Plaintiff. Furthermore, the court found that because of Plaintiff's
24 history as a litigant in federal court, transferring the action to a federal district
25 where venue was proper was not “in the interest of justice.” *Id.* at *2. It appears
26 the claims asserted by Plaintiff in the captioned action have previously been
27 asserted by him in other actions filed in other districts. *Id.* at *3 (referring to an
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1 action filed in the District of Nevada regarding a dispute over a storage unit
2 agreement). The District of New Mexico and the District of Colorado have both
3 apparently deemed the Plaintiff a vexatious litigant and restricted his ability to
4 file *pro se* lawsuits. *Id.* at *4. As part of its decision, the District of Nevada
5 ordered the Plaintiff to show cause why he should not be deemed a vexatious
6 litigant in that district pursuant to the All Writs Act, 28 U.S.C. §1651(a), and
7 enjoined from filing any further action or papers in that district without
8 obtaining leave of the court.

9 This court will not entertain any motion for reconsideration of this “Order
10 Of Dismissal.” This court hereby certifies that any appeal from this “Order Of
11 Dismissal” to the Ninth Circuit Court of Appeals is not taken in good faith. 28
12 U.S.C. §1915(a)(3).

13 **IT IS SO ORDERED.** The District Executive shall forward a copy of
14 this order to the Plaintiff and **CLOSE** this file.

15 **DATED** this 17th of September, 2012.

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18 s/Lonny R. Suko
19 LONNY R. SUKO
20 United States District Judge
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